IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

TUESDAY, THE TWENTY EIGHTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT
THE HON'BLE MR JUSTICE BILAL NAZKI
and
THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 17386 of 2004

Between:

M/s. Mithra Engineering Constructions Throvagunta Works Contractors, rep by Proprietor Mr. M. Raghava Rao, Ongole

..... PETITIONER

AND

1 The Additional Commissioner of Commercial Taxes, (Legal), Hyderabad
2 The Deputy Commissioner of Commercial Taxes, Nellore
3 The Commercial Tax Officer, No.1, Ongole

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring that the order of the 1st respondent in CCT Ref No. LV (1)/1225/2004 dated 25-8-2004 as arbitrary, unreasonable and unjustified and restrain the 3rd respondent from taking any coercive steps for collecting the disputed demand of Rs.10, 73,233/-for the assessment year 2001-2002 under the APGST Act.

Counsel for the Petitioner:MR.BHASKAR REDDY VEMIREDDY

Counsel for the Respondents : GP FOR COMMERCIAL TAXES

The Court at the admission stage, made the following :

ORDER : (per Hon'ble Sri Bilal Nazki, J)

Heard learned Counsel for the parties. With their consent the Writ Petition is disposed of at this stage.

Pending appeal, the petitioner filed an application seeking stay of the recovery, which has been declined. It is submitted that out of the disputed tax liability, the petitioner has already deposited some amounts. Therefore in the interest of justice, we direct that there shall be stay of recovery till disposal of appeal, subject to deposit of half of the total liability minus the amounts if any, already deposited by the petitioner, within a period of eight weeks from today. For eight weeks, there shall be an unconditional stay and the stay shall continue till disposal of the appeal, provided the amount is deposited within eight weeks. The deposit of amount shall be without prejudice to the rights of the petitioner in the appeal.

Writ Petition is accordingly disposed of. No costs.

_____

(BILAL NAZKI, J)

28th September, 2004.

_____

(S.ANANDA REDDY, J)

N.B:-
Wire at party's cost.

(B/o)

ajr

To

1 The Additional Commissioner of Commercial Taxes, (Legal), Hyderabad
2 The Deputy Commissioner of Commercial Taxes, Nellore
3 The Commercial Tax Officer, No.1, Ongole
4 Two C.Cs. to the G.P. for Commercial Taxes, High Court Buildings,
Hyderabad (O.U.T).
5 Two C.D. copies.